

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Upon entry of this Amendment, claims 3, 4, and 6-10 are pending, claims 3, 6, 7, and 10 being independent. In this Reply, Applicant has cancelled claims 1, 2, and 5 without prejudice or disclaimer and has added new claims 7-10.

Prior Art Rejections**1. § 103 Rejection: *Fukada - Camara***

Claims 1, 2, and 5 stand rejected under 35 U.S.C. § 103 as being unpatentable over *Fukada et al.* (EP 0 838 767) in view of *Camara et al.* (U.S. Patent 6,373,507). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

As stated above, rejected claims 1, 2, and 5 have been cancelled herein without prejudice or disclaimer and new claims 7-10 have been added. For purposes of this Reply, Applicant addresses below the rejection, which relies on an asserted modification of *Fukada* in view of *Camara*, insofar as it may pertain to newly-added claims 7-10. For at least the reasons set forth below, Applicant respectfully submits that the newly-added claims patentably distinguish over the asserted modification of *Fukada* in view of *Camara*.

Independent claim 7 is directed to an image file apparatus for reading out an image file that has been recorded on a first loadable and removable recording medium and recording the image file on a second loadable and removable recording medium. The apparatus of claim 7 comprises: a file-number readout device for reading out a last file-number of file-numbers for image files that have been recorded on the second

loadable and removable recording medium; an incrementing device for incrementing the last file-number read out by the file-number readout device; and an image-file recording controller for changing a file name of the image file that has been read out of the first loadable and removable recording medium to the incremented file-number generated by the incrementing device and recording the read image file on the second loadable and removable recording medium.

Thus, according to the invention defined by independent claim 7, a file name of an image file that has been read out of a first loadable and removable recording medium is changed to the number following the last file number of image files previously recorded on the second loadable and removable recording medium. As such, a new file number is always created in the file-number changing processing. Numbers, which are different from each other, are assigned in place of the file names for all image files recorded on the second loadable and removable recording medium. Thus, it is not necessary to examine whether or not an image file with the identical file number already exists in the second loadable and removable recording medium, thereby facilitating the transfer of image files to the second loadable and removable recording medium.

In contrast, for the picture image filing method/device disclosed by *Fukada*, when a memory card 2 is set into a card slot, image files within the memory card are read and reference is made to recording property information contained in the image file. (See col. 6, lines 8-16). The file name is determined by combining the title, the date of recording, and an identifying number. (Col. 6, lines 20-21). After a file name is temporarily determined, the technique of *Fukada* determines whether or not an image file with the identical file name already exists on the hard disc. When no complete file

name overlap is found, the image file is stored using the previously temporary file name. If an image file with the identical file name already exists, a new file name is determined by changing the identifying number. (Col. 6, lines 47-54).

Accordingly, the method defined by claim 7 is distinct from the picture image filing technique disclosed by *Fukada*, in which a new file name is determined only when an image file with the identical file name already exists on the mass storage device.

The Examiner's reliance on the secondary reference, *Camara*, fails to make up for the deficiencies of *Fukada*. Consequently, Applicant respectfully submits that the asserted modification of *Fukada* in view of *Camara* (assuming these references are combinable, which Applicant does not admit) fails to establish *prima facie* obviousness of claim 7, or claims 8 and 9 depending therefrom. Furthermore, independent method claim 10 defines over the asserted modification of *Fukada* in view of *Camara* based on similar reasoning.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 based on the asserted combination of *Fukada* and *Camara*.

2. § 103 Rejection: *Fukada*

Claims 3, 4, and 6 stand rejected under 35 U.S.C. § 103 as being unpatentable over *Fukada*. This rejection is respectfully traversed.

Independent claim 3 is directed to an image file apparatus. The apparatus of claim 3 comprises: an image file readout unit for reading out an image file that has been recorded on a first loadable and removable recording medium; a recording controller for

recording the image file, which has been read out by the image file readout unit, on a second loadable and removable recording medium; and an output unit for outputting an image file being recorded on the second loadable and removable recording medium by the recording controller.

In rejecting independent claim 3, the Examiner asserts on page 9 of the Office Action that the personal computer 3 used in the picture image filing device of *Fukada* has a monitor as an output unit for outputting an image file being recorded on the second recording medium by the recording controller. Applicant notes, however, that the monitor of the personal computer 3 in *Fukada* cannot output (display) an image represented by the image file while the image file is being recorded on the second loadable and removable recording medium. At least for this reason, Applicant respectfully submits that claim 3, and claim 4 depending therefrom, distinguish over *Fukada* and that the asserted grounds of rejection fails to establish *prima facie* obviousness. Furthermore, this same reasoning applies to the rejection of independent method claim 6.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 based on *Fukada*.

CONCLUSION

Applicant respectfully requests entry of the amendments presented herein. Newly-added claims 7-10 have been presented in a manner which is believed to clearly define over the asserted references.

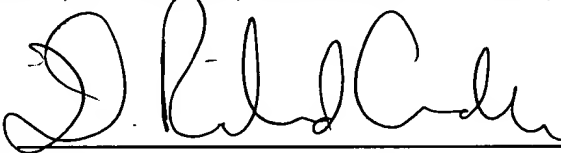
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the

telephone number below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Version With Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 1, 2, and 5 have been cancelled without prejudice or disclaimer of the subject matter contained therein.

New claims 7-10 have been added.